

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN L. JEFFERSON,

Plaintiff,

-against-

MEMORANDUM & ORDER
TO SHOW CAUSE
13-CV-2454 (JS) (ARL)

POLICE OFFICER CONYE, EDWARD WEBBER,
SUFFOLK COUNTY POLICE DEPARTMENT,
COUNTY OF SUFFOLK,

Defendants.

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APPEARANCES

For Plaintiff: Kevin L. Jefferson, pro se
17 Garfield Street
Bayshore, NY 11706

For Defendants: No appearances.

SEYBERT, District Judge:

Plaintiff Kevin L. Jefferson commenced this action pro se on April 23, 2013 pursuant to 42 U.S.C. § 1983 asserting claims against Police Officer Conye, Edward Webber, the Suffolk County Police Department, and the County of Suffolk ("Defendants") arising out of their purported violation of Plaintiff's rights under the First Amendment and their violation of a Preliminary Injunction entered by this Court on April 23, 2012 in case number 12-CV-1334(JS) (ARL), see Jefferson v. Doe, 869 F. Supp. 2d 312 (E.D.N.Y. 2012). Plaintiff simultaneously filed an application to proceed in forma pauperis and a motion for a preliminary injunction.

Upon review of the declaration in support of the application to proceed in forma pauperis, the Court determines that Plaintiff's financial status qualifies him to commence this action without prepayment of the \$350 filing fee. See 28 U.S.C. §§ 1914(a); 1915(a)(1). Therefore Plaintiff's request to proceed in forma pauperis is GRANTED.

The Court hereby ORDERS Defendants to SHOW CAUSE at a hearing before the undersigned on May 3, 2013 at 2:00PM in Courtroom 1030 why an order should not be entered:

- (1) Granting Plaintiff's request for a preliminary injunction;
- (2) Imposing sanctions against Suffolk County for failing to comply with the Court's preliminary injunction in case number 12-CV-1334, which barred Suffolk County and the Suffolk County Police Department from, inter alia, "arresting, threatening or attempting to arrest, anyone for loitering, remaining, or wandering about for the purpose of begging," Jefferson, 869 F. Supp. 2d at 319; and
- (3) Consolidating this action with case number 12-CV-1334, which remains pending before the undersigned.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of Plaintiff's Summons and Complaint, his application for a preliminary injunction including the proposed order to show cause and affidavit in support, and this Order for EXPEDITED

PERSONAL SERVICE upon Defendants without prepayment of fees.
Service shall be completed on or before May 1, 2013.

The Clerk of the Court is further directed to mail a copy of this Memorandum and Order to Show Cause to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 24, 2013
Central Islip, NY